

Assembly Bill No. 2609

CHAPTER 185

An act to add Section 17531.3 to the Business and Professions Code, relating to advertising.

[Approved by Governor August 25, 2016. Filed with
Secretary of State August 25, 2016.]

LEGISLATIVE COUNSEL'S DIGEST

AB 2609, Chau. Advertising: educational conferences.

Existing law prohibits various specified advertising practices, including, among others, the placement by an educational travel organization, as defined, or use of any misleading or untruthful advertising or statements or making of a substantial misrepresentation in conducting an educational travel program. Under existing law, the violation of any of these prohibitions is a misdemeanor.

This bill would require an educational conference organization, as defined, that provides materials related to an educational conference, as defined, directly to a school or school employee for purposes of distribution to a student to include specified disclosures with the materials, to provide those disclosures to the school and specified school employees, and to provide the materials in a sealed envelope or other packaging addressed to the parent or legal guardian of the student. As a violation of these provisions would be a crime, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

The people of the State of California do enact as follows:

SECTION 1. The Legislature finds and declares all of the following:

(a) K–12 students are particularly vulnerable to solicitations for educational leadership conferences or forums that may appear to be selective awards or competitive honors, but are in fact sophisticated solicitations from for-profit companies.

(b) While such conferences and forums may have merit as learning experiences for students, it is nevertheless important to ensure that students, parents, and teachers are not misled by these solicitations. The State of California has previously enacted laws regulating educational travel organizations in order to protect students engaged in educational travel.

(c) Because it is of the utmost importance that the State of California take action to protect students from false or misleading advertising, promote high-quality educational travel experiences, encourage public confidence in leadership conferences, and assist organizations soliciting participation in these conferences in complying with safe and reputable practices, it is the intent of the Legislature to establish appropriate marketing restrictions and disclosure requirements on these solicitations.

(d) The Legislature recognizes the contributions that many nonprofit service organizations have made in the area of youth leadership training, such as the Boys and Girls State programs organized by the American Legion and the Rotary Youth Leadership Awards and Interact programs operated by the Rotary Club. These programs have demonstrated a strong commitment to youth education and civic awareness in diverse communities across the nation for decades, often at little or no cost to the participants.

SEC. 2. Section 17531.3 is added to the Business and Professions Code, to read:

17531.3. (a) For purposes of this section, the following terms have the following meanings:

(1) “Educational conference” means a conference, forum, camp, or other similar event, intended to develop the leadership, career, or college readiness of a student or provide some other form of educational benefit, when participation in the event is represented as being limited to students receiving an award, invitation, or nomination to participate in the event.

(2) “Educational conference organization” or “organization” means a person, partnership, corporation, or other entity that operates in a for-profit manner and that plans and advertises educational conferences to students residing in the State of California.

(3) “Student” means a person who is enrolled in elementary or secondary school, grade kindergarten through grade 12, at the time an educational conference is arranged with an educational conference organization.

(b) An educational conference organization that provides materials related to an educational conference directly to a school or any employee thereof for purposes of distribution to a student shall comply with all of the following:

(1) The organization shall provide the materials in a sealed envelope or other packaging addressed to the parent or legal guardian of the student.

(2) The organization shall include with the materials all of the following disclosures, in clear and conspicuous language:

(A) That the materials constitute a solicitation for the sale of a product.

(B) The legal form of the organization making the solicitation, including the for-profit status of the organization.

(C) The legal owner, if any, of the organization making the solicitation.

(D) The specific eligibility criteria required for participation in the solicited educational conference or conferences, if any.

(E) An itemized list of the costs to participate in the educational conference and the total price of participating in the educational conference,

including estimated expenses not included in the price of the educational conference.

(F) That attendance at an educational conference may not affect a student's chances of being admitted to college and that a parent or guardian should contact the student's school counselor for more information.

(G) Whether or not a nomination from a teacher or school administrator is required to participate in the educational conference, or if an individual may be self-nominated or nominated by a parent or guardian.

(H) The total amount, if any, of funding or other support, including employment or grants for school supplies, the organization has provided to the student's school or the school's employees during the last three years before the date of the solicitation.

(I) A phone number, email address, or Internet Web site that a parent or guardian may use to contact a government agency within the relevant jurisdiction for purposes of filing a complaint related to the solicitation or the educational conference itself.

(3) The organization shall provide the disclosures described in paragraph (2) on separate documents addressed to the school and to any employee thereof who is asked to distribute materials to a student.

SEC. 3. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.